

State Office of Administrative Hearings



Shelia Bailey Taylor
Chief Administrative Law Judge

September 4, 2007

SEP 4 11 21 AM '07
CHIEF CLERK'S OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Derek Seal
General Counsel
Texas Commission on Environmental Quality
PO Box 13087
Austin Texas 78711-3087

VIA FACSIMILE 512/239-5533

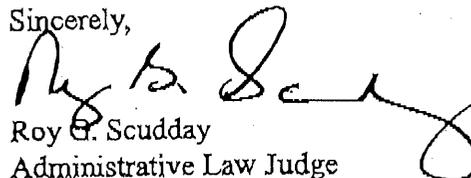
Re: **SOAH Docket No. 582-07-1206; TCEQ Docket No. 2004-0639-PST-E; In Re: The Executive Director of the Texas Commission on Environmental Quality, Petitioner v. SAM DILLON DBA SAM'S PRODUCE FARM, Respondent.**

Dear Mr. Seal:

On August 23, 2007, the Executive Director (ED) filed Exceptions to my Proposed Order in the above case. The Respondent timely filed a reply to the ED's exceptions. Inasmuch as the ED's Exceptions only consist of suggested wording changes to the Order, I recommend that you sustain the ED's exceptions. In addition, the word "judgment" in the first line of Conclusion of Law No 7(a) should be changed to "order."

In regard to the reply of Respondent, the factual allegations contended by Respondent to be fraudulent claims were deemed admitted as true as a result of Respondent's failure to appear at the scheduled hearing. Accordingly, no further revisions should be made to the Order.

Sincerely,


Roy G. Scudday
Administrative Law Judge

cc: Mailing List

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE

300 West 15th Street Suite 502

Austin, Texas 78701

Phone: (512) 475-4993

Fax: (512) 475-4994

SERVICE LIST

AGENCY: Environmental Quality, Texas Commission on (TCEQ)

STYLE/CASE: SAM R. DILLON / SAM'S PRODUCE FARM

SOAH DOCKET NUMBER: 582-07-1206

REFERRING AGENCY CASE: 2004-0639-PST-E

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**ADMINISTRATIVE LAW JUDGE
ALJ ROY SCUDDAY**

REPRESENTATIVE / ADDRESS

PARTIES

BLAS J. COY, JR.
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
OFFICE OF PUBLIC INTEREST COUNSEL
MC-173 P.O. BOX 13087
AUSTIN, TX 78711-3087
(512) 239-6363 (PH)
(512) 239-6377 (FAX)

OFFICE OF PUBLIC INTEREST COUNSEL

XAVIER GUERRA
ATTORNEY
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
LITIGATION DIVISION
14250 JUDSON ROAD, MC R-13
SAN ANTONIO, TX 78233-4480
(210) 403-4016 (PH)
(210) 545-4329 (FAX)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

DEREK SEAL
GENERAL COUNSEL
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
MC-175 P.O. BOX 13087
AUSTIN, TX 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SAM R. DILLON
OWNER
SAMS PRODUCE FARM
P. O. BOX 254
TIMPSON, TX 75975

SAMS PRODUCE FARM

xc: Docket Clerk, State Office of Administrative Hearings

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE

300 West 15th Street Suite 502
Austin, Texas 78701
Phone: (512) 475-4993
Fax: (512) 475-4994

DATE: 09/04/2007
NUMBER OF PAGES INCLUDING THIS COVER SHEET: 4
REGARDING: EXCEPTIONS LETTER (BY A/LJ)
DOCKET NUMBER: 582-07-1206
JUDGE ROY SCUDDAY

FAX TO:

FAX TO:

BLAS J. COY, JR. (TEXAS COMMISSION ON

(512) 239-6377

XAVIER GUERRA (TEXAS COMMISSION ON

(210) 545-4329

DEREK SEAL (TEXAS COMMISSION ON

(512) 239-5533

SAM R. DILLON

VIA REGULAR MAIL

TCEQ Docket Clerk, Fax Number 512/239-3311

NOTE: IF ALL PAGES ARE NOT RECEIVED, PLEASE CONTACT SUSAN BRYSON(sbr) (512) 475-4993

The information contained in this facsimile message is privileged and confidential information intended only for the use of the above-named recipient(s) or the individual or agent responsible to deliver it to the intended recipient. You are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the address via the U.S. Postal Service. Thank you.

CHIEF CLERKS OFFICE

2007 SEP -4 PM 2:05

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY